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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORGAN STANLEY & CO. LLC and MORGAN
STANLEY CAPITAL GROUP, INC.,

Petitioners/Cross-
Respondents,

– against –

AMIT GUPTA,

Respondent/Cross-
Petitioner.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 9/11/14

No. 13-cv-6383 (TPG)

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ORDER AND JUDGMENT

WHEREAS, Petitioners/Cross-Respondents Morgan Stanley & Co. LLC and Morgan Stanley Capital Group, Inc. (collectively “Morgan Stanley”) having moved this Court by Notice of Petition to Vacate Arbitration Award, Petition to Vacate Arbitration Award, and the Declaration of Nicholas J. Calamari (with exhibits) each filed on September 10, 2013 (collectively, the “Petition”), requesting that the Court vacate an arbitration award issued in the Financial Industry Regulatory Authority (“FINRA”) Arbitration Case Number 11-00951, dated August 29, 2013 (the “Award”);

WHEREAS, Respondent/Cross-Petitioner Amit Gupta (“Gupta”) having cross-moved this Court by Notice of Cross-Petition, Cross-Petition to Confirm Arbitration Award, Affirmation of Eric Seiler (with exhibits), and Affirmation of Amy C. Brown (with exhibits) each filed on October 25, 2013 (collectively, the “Cross-Petition”), requesting that the Court confirm the Award;

WHEREAS, Petitioners/Cross-Respondents Morgan Stanley having filed, on November 19, 2013, the Memorandum of Law in Further Support of Petition to Vacate and in Opposition to Respondent’s Petition to Confirm Arbitration Award;

WHEREAS, Respondent/Cross-Petitioner Gupta having filed, on December 9, 2013, the Memorandum of Law in Further Support of Cross-Petition to Confirm Arbitration Award and the Declaration of Christopher M. Colorado (with exhibits); and

WHEREAS, by Order dated September 2, 2014, the Court granted Respondent/Cross-Petitioner Gupta's Cross-Petition to confirm the Award and denied Petitioners/Cross-Respondents Morgan Stanley's Petition to vacate the Award.

NOW, upon the foregoing, it is hereby

ADJUDGED that the Award is CONFIRMED, including that Respondent/Cross-Petitioner Gupta does recover the principal sum of \$8,011,529.00 plus \$106,458.11 (representing 9 percent interest *per annum* from June 24, 2013 to the date of the Award, as contemplated by the language of the Award) plus additional interest at the rate of nine percent *per annum* from the date of the Award until the date payment is made by Petitioners/Cross-Respondents Morgan Stanley (per Rule 10330(h) of the FINRA Code of Arbitration Procedure and NY CPLR § 5004), and that Respondent/Cross-Petitioner Gupta has execution therefor.

This constitutes the Order and Judgment of this Court.

JUDGMENT signed this 11th day of Sept., 2014, at New York, New York.

ENTER:



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